TRAVANCORE
GOVERNMENT GAZETTE
SUPPLEMENT.

TUESDAY
27th Aug. 1895.

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 3 P. M. on Saturday, the 17th August 1895. / 2nd Chingom 1071.

PRESENT:

The Dewan ... ... *Presiding.*

M. R. Ry. K. Krishnaswamy Rao Avergal, Dewan Bahadur.
M. R. Ry. V. Nagam Iyer Avergal.
M. R. Ry. P. Thanu Pillay Avergal.
Mr. O. H. Bensley.
Mr. I. H. Prince.
M. R. Ry. Rama Vurma Avergal, Raja of Perapanad.
M. R. Ry. A. M. Muthunayagom Pillay Avergal.

The Secretary presented the following papers :—

1. Two letters from Mr. Maltby on the Bill to provide for the protection of Game and Fish.

2. A petition from Kumaren Madavan and others of Kunnathukal Adhigarom on the Bill to provide for the protection of Game and Fish.

3. Memo of amendments to the Bill to provide for the protection of Game and Fish sent in by M. R. Ry. Rama Vurma Avergal, Raja of Perapanad.

4. Memo of amendments to the Bill for the protection of judicial officers sent in by M. R. Ry. Rama Vurma Avergal, Raja of Perapanad.

Copies of the above papers had been previously furnished to the members, and they were taken as read.

THE BILL TO PROVIDE FOR THE PROTECTION OF GAME AND FISH.

Mr. Bensley said :—

"The present Bill is, as I have already stated, on the lines of the law in operation on the Nilgiri Hills where it was found necessary to have special legislation for the protection of those animals which have been named by me. There are one or two new features introduced which I have already explained. I have, however, adopted them after ascertaining their necessity from gentlemen competent to speak on the subject. The first point of difference is the adoption of a gun and game license; and the second is, that proprietors and owners of estates are empowered to render assistance in carrying out the provisions of the law as, without such help, I feel the enforcement of the novel measure will be beset with difficulties.

"It has been objected that cultivation has not been sufficiently thought of in the present measure and that crops will be at the mercy of wild animals. I do not think that this is really a valid objection. The Bill, it will be seen, does not

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preclude land-owners from shooting or taking any other measures they like in their own estates for the protection of life and property. With these remarks I beg to ask the Council to proceed with the Bill."

Mr. Muthunayagom Pillay said :—" I have but a few general observations to make with regard to this Bill; and in making these I must confess that I do not feel at all competent to speak with any amount of confidence on the subject owing to my very limited knowledge of the needs of the hills of Travancore.

" From the point of view of a man of the low-country, I venture to think that a *general* measure of the kind now proposed is hardly called for in the present condition of Travancore. The law to be passed should apply to some definite parts of the hill-country alone, and that too I would like to be as limited as is absolutely necessary.

" It strikes me that no sufficient reasons have been shown for resorting to legislation with regard to the protection of Fish.

" The only other point that I wish to touch upon at present is as to the desirability of the introduction of the system of gun-licenses. It is a system that is wholly unknown to Travancore and I am of opinion that it would work a serious hardship in the case of the poor and ignorant ryots who live in and near the hills."

Mr. Thanu Pillay said :—" With regard to the Bill before us I do not really see where the line is to be drawn between 'the principle' of the Bill and its details. Probably the observations I am going to make relate to details alone. First of all, as to the extent of the Regulation, I have some doubts. As the Bill now stands, it is intended at the outset to be applied only to a particular and, I should think, fairly circumscribed area; but there is a permissive provision under which its operation may be extended to any and every part of the country. I doubt whether such a general law is at all necessary. Probably, as Mr. Bensley has explained, the necessity for a protective measure of the kind has arisen with regard to the hills. But I doubt the expediency of our going beyond the actual necessity. On the general scope of the Bill too, I am not without doubts. That some means should be devised for the protection of Game on the hills I grant, but whether the measure should embrace a system of licenses and the other restrictions contemplated in the Bill, I am not satisfied. If these are only details I have nothing more to say at present. But I do hold that these points require serious consideration. I may also mention that I have looked into the British enactment on the subject and I find that the provisions there are much more limited in their extent and scope. From the discussions on the Bill which became Madras Act II of 1879, I see that the original proposal was to make the measure more comprehensive but it was afterwards whittled down to its present form as quite sufficient to meet actual requirements. These discussions suggest many points of importance but I do not wish to trouble the Council with them at this stage."

After some further discussion, the principle of the Bill was accepted and Mr. Bensley moved that the Bill be referred to a Select Committee consisting of Messrs Thanu Pillay, Muthunayagom Pillay and the mover.

Mr. Krishnaswamy Rao seconded the motion.

Carried.

THE BILL FOR THE PROTECTION OF JUDICIAL OFFICERS.

Mr. Muthunayagom Pillay in explaining the principle of the Bill read out the 'Objects and Reasons' and continued :—

" I ask permission to place the Bill before the Council with certain amendments. When this Bill was first brought in, the Departmental Enquiries Bill had not been finally dealt with. Certain changes have now become necessary in view of the amendments made in the wording of that Bill.

" Section 2, I would recast thus, adding an explanation :—' No Judge, Magistrate, Justice of the Peace, or other officer acting judicially, shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty whether or not within the limits of his jurisdiction : provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of ; and no officer of any court or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace or other officer acting judicially, shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

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